

Granite State Minerals, Inc. and Local 1947, International Longshoremen's Association, AFL-CIO. Case 1-CA-17911

April 30, 1982

ORDER

On March 4, 1981, the National Labor Relations Board issued a Decision and Order¹ in the above-entitled proceeding. Thereafter, the Board petitioned the United States Court of Appeals for the First Circuit for enforcement of its Order. On March 23, 1982, the court denied enforcement of the Board's Order.²

On April 22, 1982, Respondent filed with the Board in Washington, D.C., an application for award of attorneys' fees and expenses under the Equal Access to Justice Act, P.L. 96-481, 94 Stat.

2325, and Section 102.143 of the Board's Rules and Regulations.

The Board, having duly considered the matter, finds that it has no jurisdiction because, pursuant to Section 2412(d)(3) of the Equal Access to Justice Act, any request for an award must be filed with the appropriate court of appeals.³ Moreover, as noted above, the Board's Decision and Order issued on March 4, 1981, and the Equal Access to Justice Act applies only to an administrative adjudication pending on or after October 1, 1981.⁴ Accordingly,

It is hereby ordered that Respondent's request for an award under the Equal Access to Justice Act be, and it hereby is, dismissed.

By direction of the Board:

John C. Truesdale,
Executive Secretary.

¹ 254 NLRB 1047.

² 81-1346.

³ Report No. 96-1005, Part 1, U.S. House of Representatives, 96th Cong., 2d Sess., Equal Access to Justice Act, pp. 17, 18.

⁴ P.L. 96-481, Sec. 208, 94 Stat. 2330.